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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,233	08/19/2004	Johannes Jacobus Van Vaals	PHNL020134US	3696
38107 7590 03/23/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD			EXAMINER	
			. ROY, BAISAKHI	
CLEVELAND,	OH 44143	ART UNIT PAPER NUMBER		PAPER NUMBER
		•	3737	
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SHORTENED STATUTORY	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MOI	NTHS	03/23/2007	PAP	PER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)	
	10/505,233	VAN VAALS ET AL.	
Office Action Summary	Examiner	Art Unit	
	Baisakhi Roy	3737	
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet	with the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING Description of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN .136(a). In no event, however, may d will apply and will expire SIX (6) Mo te, cause the application to become	IICATION. a reply be timely filed DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 22 o	lanuary 2007		
	is action is non-final.		
3) Since this application is in condition for allowa		itters, prosecution as to the merits is	
closed in accordance with the practice under	•	•	
Disposition of Claims		;	
4)⊠ Claim(s) <u>1 and 3-7</u> is/are pending in the applie	cation.		
4a) Of the above claim(s) is/are withdra			
5) Claim(s) is/are allowed.			
6)⊠ Claim(s) <u>1 and 3-7</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/	or election requirement.		
Application Papers			
9) The specification is objected to by the Examin	er.		
10) The drawing(s) filed on is/are: a) acc		b by the Examiner.	
Applicant may not request that any objection to the	e drawing(s) be held in abey	ance. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the correct	ction is required if the drawir	g(s) is objected to. See 37 CFR 1.121(d).	
11)☐ The oath or declaration is objected to by the E	xaminer. Note the attach	ed Office Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	n priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
 Certified copies of the priority document 	its have been received.	· .	
2. Certified copies of the priority documen	its have been received in	Application No	
3. Copies of the certified copies of the price	ority documents have bee	n received in this National Stage	
application from the International Burea			
* See the attached detailed Office action for a list	t of the certified copies no	t received.	
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) \leftarrow Interview	Summary (PTO-413)	
2) Dotice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No	o(s)/Mail Date	
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5)	Informal Patent Application	
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection. Applicant's attention is directed to Chakeres, col. 13 lines 7-12, which teaches the use of laser localizing light of the imager as a visualization means but does not explicitly teach the use of an adjustable light fan, which is taught by Riehl et al and has been addressed previously.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chakeres in view of Riehl et al. Chakeres discloses a MRI based diagnostic imaging apparatus for guiding an interventional apparatus by positioning a patient within the imaging volume of the diagnostic apparatus, using the imaging means for acquiring a diagnostic image in an imaging plane comprising a target area of the patient, and using the visualization means for visualizing a projection of the imaging plane of the diagnostic image on the patient's skin (abstract, col. 7 lines 47-67, col. 8 lines 1-8, claim 16). The steps include calculating an approach trajectory for the interventional apparatus comprising an entry point on the patient's skin and a target point within the

target area and inserting the interventional apparatus in the patient according to the calculated approach trajectory (col. 8 lines 12-37).

Chakeres teaches the use of laser localizing light of the imager as a visualization means (col. 13 lines 7-12) but does not explicitly teach an adjustable light fan as the visualization means. In the same field of endeavor Riehl et al. disclose a patient alignment system utilizing light fan beams (col. 3 lines 37-68, col. 4 lines 1-13). It would have been obvious to one of ordinary skill in the art to use the teaching by Riehl et al. to modify the teaching by Chakeres for the purpose of enabling correct alignment (col. 13 lines 7-13).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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